

MONO COUNTY PLANNING COMMISSION

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AMENDED MINUTES

May 11, 2006
(Adopted June 8, 2006)

Commissioners present: Ron Black, Scott Bush, Rick Kattelman, Sally Miller, Steve Shipley.

Staff present: Scott Burns, CDD director; Keith Hartstrom & Larry Johnston, principal planners; Gwen Plummer, associate planner; Evan Nikirk, public works; Stacey Simon, deputy county counsel; Bob Floyd, building official; C.D. Ritter, commission secretary.

1. CALL TO ORDER: Chair Rick Kattelman called the meeting to order at 10:13 a.m.

2. PUBLIC COMMENT: No items.

3. MEETING MINUTES: Review minutes of Special Meeting April 6, 2006.

MOTION: Adopt minutes of April 6, 2006. (Black/Shipley. Ayes: 4. Abstain due to absence: Miller.)

4. CONSENT AGENDA: No items.

5. PUBLIC HEARINGS:

A. PARCEL MAP 37-186/Van Nest. The proposed project, located in the Tri-Valley on U.S. Highway 6 in the community of Chalfant, would divide APN 26-210-05, totaling 3.11 acres, into three lots of one acre each. The General Plan designation is Rural Mobile Home with one-acre minimum lot size (RMH). *Staff: Keith Hartstrom & Gwen Plummer*

Gwen Plummer reviewed the staff report and described the project location.

OPEN PUBLIC HEARING: No comments. **CLOSE PUBLIC HEARING.**

DISCUSSION: A potential overpass for U.S. Highway 6 will be considered. LADPW asked for offers of dedication for transportation, and the applicant agreed.

MOTION: Approve Parcel Map 37-186, adopting the CEQA document and Findings, subject to Conditions of Approval and Mitigation Monitoring Program in the project staff report. (Miller/Bush. Ayes: 5.)

B. PARCEL MAP 31-93/Wasser. The proposed project, located in Antelope Valley at the west corner of U.S. 395 and Larson Lane, would divide APN 02-070-05, totaling 23.7 acres, into three lots of 5 acres, 6 acres and 12.7 acres. The General Plan Designation is Rural Residential with a 5-acre minimum parcel size (RR 5). *Staff: Keith Hartstrom & Gwen Plummer.*

Keith Hartstrom summarized the staff report and distributed a comment letter. Changing the gate setback in #30 to 25' from right of way to would allow parking in front of it. Caltrans will do encroachment work if the proponent submits a right-of-way application. Access to parcel 3 includes a 50' offer of dedication. Extend right of way to parcel 3.

DISTRICT #1
COMMISSIONER
Rick Kattelman

DISTRICT #2
COMMISSIONER
Steve Shipley

DISTRICT #3
COMMISSIONER
Ron Black

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Sally Miller

OPEN PUBLIC HEARING: Dale Payne, neighbor to the north, requested realigning the access road to proposed parcel 3. A significant increase of daily trips is foreseen. Payne asked the commission to work with Caltrans on its plans to widen the U.S. 395 turnout at Larson Lane. Fire protection is uncertain, as there are no fire officials.

Debi Wasser, proponent, described herself as “just a property owner, not a developer.” She is addressing the water system, and the water tank on her property with an easement has been granted to neighbor Payne.

Rose Murray, proponent’s agent, indicated that the tank within an existing 25’ easement will be moved. Access is approved for both property owners, as the applicant is aware of adjacent property owners’ rights. The timeline for building a road and moving the tank depends map approval. Note: Caltrans paved the driveway three years ago.

Wyatt Owens, engineer, designed the project. An attorney letter opposed establishment of a maintenance entity, but favored proportionately sharing benefits. He can’t provide maintenance.

Tim Fesko, local resident, urged approval of the map as is. **CLOSE PUBLIC HEARING.**

DISCUSSION: Stacey Simon referred to the Civil Code and asked Evan Nikirk about Condition #34. “Maintenance entity” is confusing, so the language needs clarification. Joint owners of an easement should share maintenance costs proportionate to use.

Commissioner Black asked if Payne had received answers to her concerns. She suggested the commission work with Caltrans regarding the 25’ gate setback in light of proposed road widening.

MOTION: Approve Parcel Map 31-93, adopting the CEQA document and Findings, subject to Conditions of Approval and Mitigation Monitoring Program in the project staff report, with changes: Condition #30: gate setback 25’ from right-of-way line (paving has already occurred); #34: “...maintenance entity **agreement**...”; and #42: water tank relocation and timing by agreement with adjacent owner, at cost to applicant. (Bush/Shipley. Ayes: 5.)

6. WORKSHOPS:

A. SAGE GROUSE WORKSHOP

Tim Taylor, DFG associate wildlife biologist, presented a PowerPoint on the status of sage-grouse populations in Mono County. Species in Inyo and Mono are highly unique genetically. The current range has been reduced by 40% due to use conversion, fire, weeds, mining, and energy development. Grouse is a harvest species and species of special concern.

Taylor described the physical characteristics of sage grouse and their dependence on sagebrush for cover, diet and breeding habitat. Overall predation is a concern. Mountain lions and ravens prey on eggs and chicks, but the raven is protected as a federal migratory bird.

Nine listing petitions have been filed since 1999. Fearing the economic impact of listing, Nevada Gov. Kenny Glynn’s task force initiated a conservation plan with stakeholder input over three years.

Many factors affect population – habitat quantity, invasive weeds, livestock, changing land uses, predation, hunting/poaching and disease. Actually, about 25 birds are harvested from 40 permits issued, and hunters have been part of conservation planning and funding of projects.

Commissioner Black noted that tribes poach grouse off Hwy. 120. Tribes have traditional rights, but poaching is a population risk. More enforcement and education are needed.

Commissioner Shipley suggested identifying areas and being proactive prior to development. Decide how to mitigate, and get ahead of the process. Once brush is cleared, it can’t be put back.

Gwen Plummer asked how to reconcile habitat protection with fire clearance areas. Simon suggested that species habitat might be an exception to the clearing requirement.

Commissioner Shipley questioned concrete vs. suggestive mitigation, and how it can be applied. Who takes responsibility for the decision? Clear guidelines are needed, as mitigation on fire clearance area will come up repeatedly. When sagebrush is cleared, deer habitat disappears; e.g., Swall Meadows. Winter ranges exist there and in Walker/Coleville.

Habitat loss is cumulative and eventually creates severe impact. Commissioner Miller noted issues that “catch us off guard” are water, subdivision, and sage grouse. Burns indicated updates to the Safety Element and a Tri-Valley groundwater study are taking time. Commissioner Shipley thought

development was happening more rapidly and would get more intense. Current studies are needed. Mitigation should not restrict too much, but enough to maintain population. Taylor said DFG knows deer migration routes and holding areas. A subsequent workshop on deer will be presented.

--- Commissioners Miller, Black and Bush exited the meeting. ---

B. FIRE PROTECTION & PREVENTION WORKSHOP

Deputy County Counsel Stacey Simon & Planning Staff

Scott Burns cited the California Fire Plan and the Safety Element of the General Plan that deal with fire. New tools include the Hazard Mitigation Plan and Fire Safe Councils.

Overlapping jurisdictions complicate responsibility. The CDF handles State Responsibility Areas, and Fire Protection Districts handle non-SRAs. Except Antelope Valley, all of Mono County is in an SRA, where the Fire Safe Act also applies. Hazard Severity Zones define agencies and rules. All new construction is subject to regulations on roads, road access, street signing, and minimum water supply for emergency fire use.

Simon described the California Fire Code as a most confusing document. Readers think that what they find is part of code and a rule that applies. Instead, adoption tables spell out what's actually been adopted. Some sections cited by local fire districts, especially Article 9 regarding water supply and fire flow, have not been adopted (Article 9 was considered too burdensome for development in rural areas). It's not already a law that's simply not enforced. Mono County could adopt it by ordinance and forward findings to the state, or the FPDs could adopt with Mono County's approval.

One solution is a Mono County fire czar to assure uniformity, as 11 FPDs are unlikely to agree on what to regulate. Burns noted the Safety Element defers to FPDs, some staffed by volunteers. Fire issues can get muddled with development issues. The FPDs do not have authority to adopt building standards, but the General Plan requires adequate fire protection for new development.

The California Fire Code is published like other uniform codes. Local jurisdictions want standards beyond minimums and want elected representatives to have a say. What happens on local levels happens exponentially at the state level. The FPDs can impose any conditions on development they want, and if the developer doesn't comply, Mono can't approve it. Reference to sections not adopted into state law is confusing when it's an FPD requirement but not a legal requirement. For ease of application, a countywide standard that assures uniformity could be adopted.

Building standards are a huge problem with the state. Bob Floyd suggested adopting specific ordinances for Mono County. Simon indicated that currently it is the responsibility of the FPDs in non-SRAs and CDF in SRAs to enforce defensible space requirements. The County's enforcement authority is unclear. A local FPD can notify, but not issue a citation. If an owner fails to comply, the agency may clear the area and put a lien on the property, which is powerful. The FPDs need to adopt an ordinance with reference to statutes. Minimum water supply varies with density and facilities (tank, natural water supply, mobile water tender). Mono could adopt a minimum water supply for non-SRAs, but the FPDs might want different requirements.

The General Plan defers to FPDs on fire issues, so Mono hasn't taken an active role. Much of the county does not have fire protection, so the County could allow development only in protected areas. Comprehensive fire standards could be set for the entire county, but the FPDs would have to buy in. Bob Floyd indicated that fire chiefs might differ on stringency of regulations.

Simon noted that Riverside County met with experts and, based on topography and intensity of development, adopted an ordinance for unincorporated areas. One size fits all, and every resident and developer knows the requirements.

What's next? Burns is examining fire policies and encouraged input from FPDs and RPACs, individual studies on ultimate boundaries (Spheres of Influence and Municipal Service Reviews), incorporating Hazard Mitigation into the system, and pulling together agencies for a draft Safety Element and accompanying environmental document. The draft would be presented in a public hearing at Planning Commission, and then on to Mono Supervisors to update county policies.

7. REPORTS:

A. DIRECTOR: None.

B. PLANNING COMMISSIONERS: **Miller:** Attended first meeting of the June Lake Coalition with a professional facilitator. Supervisor Bauer is taking Supervisor Cecil's place with Mono Basin RPAC.

Gwen Plummer: The LTC voted to pilot a daily transit system between June Lake, Mammoth and possibly Lee Vining with an uncertain start date. Hiring drivers is difficult, and another bus is needed. It will start small and then expand, as local and state funds are available.

Black: June Lake needs to make it economically viable to keep the ski area open daily. The 501C3 is almost done, and a professional can be hired for marketing and expansion of June Lake Loop and business area. The coalition is off to a great start, even with hostile people sitting next to each other. The opposition wants balance among recreational, full-time, and second-home owners. Economic suggestions include dog sled teams, \$400 value stickers sold on the mountain to be redeemed in town, winter festivals, and snowmobile competitions and gymkhana events at snow-covered campgrounds. Plans are to enliven the economy during winter, but not forget summer. An independent study will determine current renters, employees, and rental rates (Lee Vining and Mono City also) and then make recommendations.

Shipley: Mono Supervisors will be in town May 16 to discuss the Crowley Lake Estates project, snow removal, and county rights of way. Crowley Lake is constantly growing with no infrastructure. Water is still an issue. The Hilton Creek CSD wants to consolidate and begin mosquito abatement.

Bush: There is no parking enforcement in the county, no hearing officer, and the courts won't take it on. Deputies don't write tickets, so the only recourse is towing vehicles. Snow removal cost and liability pose a problem. Simon indicated an internal hearing procedure could be developed.

Kattelmann: Attended LADWP Commission Chair Mary Nichols' presentation. She was heckled about "lying to area residents." LADWP is planning for a Mono County-only conservation easement.

8. INFORMATION: No items.

9. ADJOURN: 3:10 p.m.

Respectfully submitted,
C.D. Ritter, commission secretary